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| 10/826,276 | 04/19/2004 | Teruo Koike | ST3001-0042 | 9916 |
| 39083 7590 06/01/2009 CERMAK KENEALY VAIDYA & NAKAJIMA LLP 515 EAST BRADDOCK RD SUITE B Alexandria, VA 22314 | | | | |
| EXAMINER | | | | |
| PAYNE, SHARON E | | | | |
| ART UNIT | | PAPER NUMBER | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/826,276

Applicant(s)

KOIKE ET AL.

Examiner

SHARON E. PAYNE

Art Unit

2875

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 and 30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-5, 7-18, 20-28 and 30 is/are allowed.
- 6) ☒ Claim(s) 6, 19 and 24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/08)
Paper No(s)/Mail Date 0309.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Priority

1. Applicant cannot rely upon the foreign priority papers to overcome this rejection because a translation of said papers has not been made of record in accordance with 37 CFR 1.55. See MPEP § 201.15.

Information Disclosure Statement

2. The information disclosure statement filed 3/9/09 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because the copy of the office action from the foreign office has no translation or statement of relevance; the Examiner cannot understand it. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609.05(a). (The other references were considered.)

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United

States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 6 and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Koike (U.S. Publication 2004/0213014).

Regarding claim 6, Koike discloses a plurality of light sources (Figs. 2-4); a plurality of corresponding reflective surfaces (Fig. 4), wherein each of said light sources includes at least one LED array with LED chips arranged in a row and forming a row axis (Figs. 2-4), and each of said reflective surfaces is arranged in combination with one of said light sources to generate light beams each having a certain light distribution pattern, the light sources (abstract, Fig. 4) and reflective surfaces configured such that each of the light beams having a certain light distribution pattern are superimposed with each other to form said predetermined light distribution pattern (abstract, Fig. 5); a light source holder shaped in a substantially polygonal form (Figs. 2-4) having sides and a longitudinal axis in a direction that is substantially parallel with an optical axis of said lamp (Figs. 1 and 2); and a cylindrical lens formed separately over each of the at least one individual LED array (paragraph 0034-0035), the cylindrical lens changing an emission angle of light emitted from the at least one LED array to be one of a wider angle and a narrower angle (paragraph 0034-0035), and the cylindrical lens having a longitudinal axis that substantially coincides with said row axis of the at least one LED array (Fig. 3).

Concerning claim 24, Koike discloses one of, said LED array and one of said LED chips, is tilted with respect to an optical axis of the lamp so as to direct light to one of said reflective surfaces (paragraph 0048).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 19 is rejected under 35 U.S.C. 103(a) as being obvious over Koike in view of Bezos et al. (U.S. Patent 4,654,629).

The applied reference has a common inventor with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art only under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 103(a) might be overcome by: (1) a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not an invention "by another"; (2) a showing of a date of invention for the claimed subject matter of the application which corresponds to subject matter disclosed but not claimed in the reference, prior to the effective U.S. filing date of the reference

under 37 CFR 1.131; or (3) an oath or declaration under 37 CFR 1.130 stating that the application and reference are currently owned by the same party and that the inventor named in the application is the prior inventor under 35 U.S.C. 104, together with a terminal disclaimer in accordance with 37 CFR 1.321(c). This rejection might also be overcome by showing that the reference is disqualified under 35 U.S.C. 103(c) as prior art in a rejection under 35 U.S.C. 103(a). See MPEP § 706.02(l)(1) and § 706.02(l)(2).

Regarding claim 19, Koike does not disclose a control system. Bezos et al. discloses the vehicle lamp being configured such that one of a number and a position of the LED chips to be turned on in each LED array or between LED arrays can be varied such that the predetermined light distribution pattern can be varied (abstract).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the control system of Bezos et al. in the apparatus of Koike to signal other car in a predetermined way. See the abstract of Bezos et al.

Allowable Subject Matter

7. Claims 1-5, 7-18, 20-28 and 30 are allowed.

8. The following is a statement of reasons for the indication of allowable subject matter.

The prior art fails to disclose a headlight with the following features:

1) a light source holder shaped in a substantially polygonal form having sides and a longitudinal axis in a direction that is substantially parallel with an optical axis of said lamp, wherein a first side includes at least a first LED array with the LED chips arranged in a row that extends substantially parallel to the optical axis and a second side includes at least a second LED array with the LED chips arranged in a row that extends substantially perpendicular to the optical axis as recited in claim 1;

2) a shade located in a lateral direction from the light source holder, the shade having the shape of a plate and having a longitudinal axis and the longitudinal axis forming an angle between 0° and 90° with respect to the optical axis of the lamp and the shade being located between at least one of the plurality of light sources and at a projection lens, and wherein each reflective surface has a first focal point at a corresponding LED array and a second focal point in the vicinity of a focus of the projection lens as recited in claim 5;

3) a light source including at least three LED arrays, each LED array including a row of LED chips formed thereon, wherein at least one row of LED chips extends substantially perpendicular to an optical axis of the LED type lamp, wherein at least one of the at least three LED arrays is capable of being tilted backward individually to reduce the depth of the reflective surface and wherein light emitted from the at least three LED arrays is substantially perpendicular to the optical axis of the LED type lamp as recited in claim 26;

4) a light source holder including at least three surfaces that each extend substantially parallel to the optical axis of the LED type lamp, the at least three surfaces extending away from a back surface of the reflector, wherein the at least one row of LED chips is arranged substantially perpendicular to the optical axis along one of the at least three surfaces and wherein light emitted from the at least one row of LED chips is emitted along a direction substantially perpendicular to the optical axis of the LED type lamp, and wherein at least one row of LED chips is offset from an adjacent row of LED chips in a longitudinal direction with respect to each other as recited in claim 28.

Response to Arguments

9. Applicant's arguments with respect to claims 6, 19 and 24 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHARON E. PAYNE whose telephone number is (571)272-2379. The examiner can normally be reached on regular business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sharon E. Payne/
Primary Examiner, Art Unit 2875

